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16 Attorneys for Defendant
17 AT&T Mobility LLC

18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN JOSE DIVISION**

21 IN RE APPLE & AT&TM ANTI-TRUST
22 LITIGATION

Case No. 07-05152-JW

**SUPPLEMENTAL DECLARATION OF
NEAL S. BERINHOUT IN SUPPORT OF
MOTION OF DEFENDANT AT&T
MOBILITY LLC TO COMPEL
ARBITRATION AND TO DISMISS
CLAIMS PURSUANT TO THE
FEDERAL ARBITRATION ACT**

Date: September 12, 2008
Time: 9:00 a.m.

Honorable James Ware

1 I, Neal S. Berinhout, hereby declare as follows:

2 1. I am employed by AT&T Mobility LLC ("ATTM") (formerly Cingular Wireless
3 LLC ("Cingular")) as Associate General Counsel—Litigation. The following facts are of my
4 own personal knowledge, and if called as a witness I could and would testify competently as to
5 their truth.

6 2. In my previous declaration in this case, I described how ATTM is able to resolve
7 customers' disputes to their satisfaction shortly after receiving notice of the disputes, thus
8 obviating the need for the customer to commence an arbitration.

9 3. The Court may find relevant additional information about how ATTM's pre-
10 arbitration dispute resolution process operates.

11 4. ATTM generally responds to a notice of a dispute with a written settlement offer.
12 If a customer indicates that he or she is represented by counsel and would like to be reimbursed
13 for attorneys' fees, ATTM's practice is to include a reasonable amount of fees in the settlement
14 offer. This offer to pay attorneys' fees is often the decisive factor in enabling ATTM to resolve
15 those disputes in which a customer has retained counsel to submit a notice of dispute.

16 I declare under penalty of perjury that the foregoing is true and correct. Executed on
17 August 25, 2008.

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20 Neal S. Berinhout